

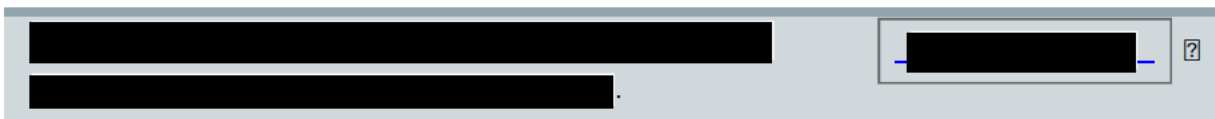
From: [PSC Public Comment](#)
To: [REDACTED]
Subject: RE: Case Number: 2024-00255 - STMO BN, LLC (Starfire)
Date: Wednesday, June 18, 2025 8:22:00 AM

Case No. 2024-00255

Thank you for your comments on the application of STMO BN, LLC (Starfire). Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2024-00255, in any further correspondence. The documents in this case are available at [View Case Filings for: 2024-00255 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: [REDACTED]
Sent: Wednesday, June 18, 2025 4:39 AM
To: PSC Public Comment <PSC.Comment@ky.gov>
Subject: Case Number: 2024-00255 - STMO BN, LLC (Starfire)



Dear Kentucky Public Service Commission,

"The Starfire Renewable Power Project is more than a clean energy initiative-it's a powerful symbol of transformation and resilience. Turning one of the Midwest's largest coal mines into a hub for solar energy not only helps meet critical sustainability goals, but it also brings new life and opportunity to communities that have long been overlooked. By investing in local workforce training and generating hundreds of well-paying jobs, BrightNight is helping write a new chapter for Perry, Knott, and Breathitt counties-one that's rooted in innovation, hope, and long-term economic revival. This is the kind of forward-thinking development that honors the past while building a better future for all."

Solar farms can provide sustainable power, create good-paying local jobs, and this project would help maintain Eastern Kentucky's role of powering our lives. I respectfully urge the Commission to approve the Starfire Solar project.

Sincerely,

Daniel Jones

Paducah, KY 42003-2254

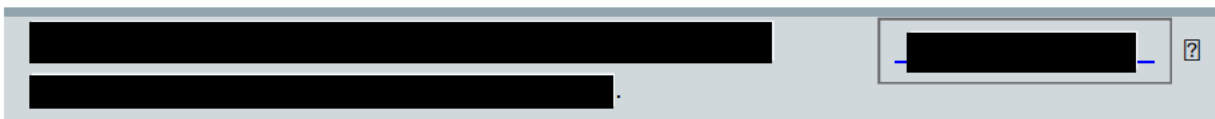
From: [PSC Public Comment](#)
To: [REDACTED]
Subject: RE: Case Number: 2024-00255 - STMO BN, LLC (Starfire)
Date: Wednesday, June 18, 2025 8:21:00 AM

Case No. 2024-00255

Thank you for your comments on the application of STMO BN, LLC (Starfire). Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2024-00255, in any further correspondence. The documents in this case are available at [View Case Filings for: 2024-00255 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: [REDACTED]
Sent: Saturday, June 14, 2025 2:07 PM
To: PSC Public Comment <PSC.Comment@ky.gov>
Subject: Case Number: 2024-00255 - STMO BN, LLC (Starfire)



Dear Kentucky Public Service Commission,

I am writing to express my strong support for the Starfire Solar project.

This project is a critical opportunity to tap into our history of producing energy and bring it into the future. By reclaiming the relatively flat but barren land left behind by Starfire Mine for a utility-scale solar farm, the land will continue to produce energy as the original mine did for decades.

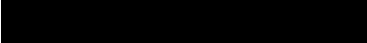
The area's long history of industry and energy production also means that there's a lot of infrastructure already built out that wouldn't be true in other places. Highways and roads that helped move hundreds of tons of coal could now assist in the build out and maintenance for this project and ensure the area is still an energy producer.

Large-scale solar projects offer the cheapest electricity in history, bringing communities across the country huge economic benefits and safe, reliable power. The total Starfire Solar project is planned across four phases, and the first phase alone is projected to bring \$100 million in tax revenues over its 40-year lifetime. The

project will also bring both temporary and permanent jobs to the area. While a single project cannot match the thousands of mining jobs lost in recent years, building the biggest solar farm in Kentucky will bring work to the region.

Adding more solar to our region's fuel mix will ensure the lights stay on if other power sources fail and could bring in other improvements to our grid infrastructure paid for by developers. In addition, solar energy is clean, affordable and stably-priced.

Solar farms can provide sustainable power, create good-paying local jobs, and this project would help maintain Eastern Kentucky's role of powering our lives. I respectfully urge the Commission to approve the Starfire Solar project.

Sincerely,
Brian Sharp
Frankfort, KY 40601


From: [PSC Public Comment](#)
To: [REDACTED]
Subject: RE: Case Number: 2024-00255 - STMO BN, LLC (Starfire)
Date: Wednesday, June 18, 2025 8:21:00 AM

Case No. 2024-00255

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Thank you for your interest in this matter.

From: [REDACTED]
Sent: Tuesday, June 17, 2025 5:28 PM
To: PSC Public Comment <PSC.Comment@ky.gov>
Subject: Case Number: 2024-00255 - STMO BN, LLC (Starfire)



Dear Kentucky Public Service Commission,

I am writing to express my strong support for the Starfire Solar project.

Bringing new jobs to this rural area is important. Utilizing closed mines for a clean energy source has positive environmental and economical benefits.

Sincerely,
Kelly Dorman

Solar farms can provide sustainable power, create good-paying local jobs, and this project would help maintain Eastern Kentucky's role of powering our lives. I respectfully urge the Commission to approve the Starfire Solar project.

Sincerely,
Kelly Dorman
[REDACTED] Shelbyville, KY 40065-9532
[REDACTED]

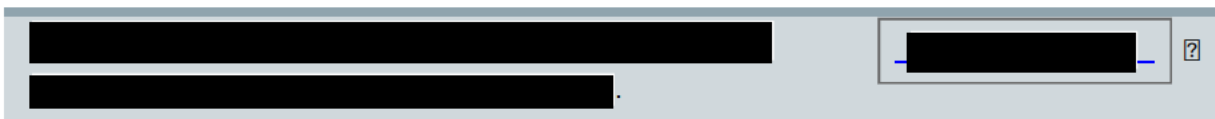
From: [PSC Public Comment](#)
To: [REDACTED]
Subject: RE: Case Number: 2024-00255 - STMO BN, LLC (Starfire)
Date: Wednesday, June 18, 2025 8:20:00 AM

Case No. 2024-00255

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Thank you for your interest in this matter.

From: [REDACTED]
Sent: Tuesday, June 17, 2025 5:21 PM
To: PSC Public Comment <PSC.Comment@ky.gov>
Subject: Case Number: 2024-00255 - STMO BN, LLC (Starfire)



Dear Kentucky Public Service Commission,

I am writing to express my strong support for the Starfire Solar project.

This project is a critical opportunity to tap into our history of producing energy and bring it into the future. By reclaiming the relatively flat but barren land left behind by Starfire Mine for a utility-scale solar farm, the land will continue to produce energy as the original mine did for decades.

The area's long history of industry and energy production also means that there's a lot of infrastructure already built out that wouldn't be true in other places. Highways and roads that helped move hundreds of tons of coal could now assist in the build out and maintenance for this project and ensure the area is still an energy producer.


Large-scale solar projects offer the cheapest electricity in history, bringing communities across the country huge economic benefits and safe, reliable power. The total Starfire Solar project is planned across four phases, and the first phase alone is projected to bring \$100 million in tax revenues over its 40-year lifetime. The

project will also bring both temporary and permanent jobs to the area. While a single project cannot match the thousands of mining jobs lost in recent years, building the biggest solar farm in Kentucky will bring work to the region.

Adding more solar to our region's fuel mix will ensure the lights stay on if other power sources fail and could bring in other improvements to our grid infrastructure paid for by developers. In addition, solar energy is clean, affordable and stably-priced.

Solar farms can provide sustainable power, create good-paying local jobs, and this project would help maintain Eastern Kentucky's role of powering our lives. I respectfully urge the Commission to approve the Starfire Solar project.

Sincerely,
John Coots

 Louisville, KY 40222-8306

From: [PSC Public Comment](#)
To: [Madden, William A \(EEC\)](#)
Subject: RE: 2024-00255
Date: Wednesday, June 18, 2025 8:20:00 AM

Case No. 2024-00255

Thank you for your comments on the application of STMO BN, LLC (Starfire). Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2024-00255, in any further correspondence. The documents in this case are available at [View Case Filings for: 2024-00255 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: Madden, William A (EEC) [REDACTED]
Sent: Tuesday, June 17, 2025 12:38 PM
To: PSC Public Comment <PSC.Comment@ky.gov>
Subject: 2024-00255

William Alden Madden
Happy, Ky 41746
Perry County
[REDACTED]

STMO (KP) Edelen Renewables

Hello Linda, again I may not be able to attend tomorrows meeting but I would like this revised comment letter to be included in the meeting.

I have some specific questions about Kentucky Power (KP) and STMO Bn (Edelen Renewables) and their proposals and questions in general about the proliferation of independent electricity providers (Solar, Wind, Hydro, Nuclear...).

- 1) Does KP actually need the power from the proposed solar sites to service its customers or will it be distributed outside the service area?
- 2) Are the proposed solar facilities partly funded with tax dollars or incentives?
- 3) Will STMO purchase the land they propose to build on or will it be leased?
- 4) If the property is leased will the company be required to acquire a bond to cover removal of the solar panels when their lifespan is complete? This would be to ensure if the company were to file bankruptcy there would be money to reclaim the site.
- 5) Does KP or any grid operator have to allow outside vendors an interconnect to dump electricity on their grid?
- 6) If a utility is forced to accept power from an outside source how will it be regulated?
- 7) Can a business build its own generation facility and not run afoul of the monopoly each electric provider enjoys?
- 8) If AEP sells off KP what will that do to the outside provider contracts?

Here is my reasons for these questions.

I know where KP generation is located. If KP needs more power to supply their customers they should build it. I can't see an outside vendor building and providing power cheaper and more reliably than KP could themselves unless they are using Federal dollars or subsidies. How would outside vendors guarantee quality of service? Do they contract with KP or have a direct contract with the PSC? If the outside vendor has partly funded their facilities with taxpayer money and this lowers their cost of electricity below what the utility can provide how can the price be considered lower than what the utility can provide? My thought is that if an energy generating station isn't viable without taxpayer monies it shouldn't be built and variable power shouldn't be dumped onto the grid. If the power generated is sent outside the KP coverage area then the KP customers should have that profit counted to their electric bill because they have paid for the lines that are being used.

It seems like a real problem to balance variable solar in Perry County and other outlying areas with the base load power in Louisa, Kentucky (90 miles to Hazard) or Moundsville, West Virginia (130 miles to Louisa). Without some sort of storage to balance the variable input into a steady voltage the reliability of the grid is greatly compromised. The proposed facility in Perry County is to produce 210 MW. KP has a 295 MW gas plant in Louisa and 780 MW from the Moundsville coal plant. Again from my understanding a grid provider will tell outside providers

how much generation they will need from them the next day. If tomorrow KP has enough internal generation to meet its customers' needs does the proposed site not operate? Or will it be allowed to dump power on the grid? Does this cause overloads or will some of the transmission lines be dedicated for this power to be sent elsewhere? I would like to see what their profit model shows.

If a 30 year contract is signed this year and 5 years from now solar panels are twice as efficient and a third the cost can another vendor build a new solar facility and dump their power on the grid or is it first come first serve? Every grid has a capacity limit. Electric providers are required to provide the cheapest and most reliable power so again it doesn't make sense to sign agreements with outside vendors. And if an outside vendor builds and integrates a facility and then files bankruptcy or the facility gets damaged beyond repair and that provider decides to walk away what will this do to reliability of the grid and where will the electricity come from to replace it?

At a conference a few years ago the question was asked what would happen if the utility was forced to take outside electricity. The answer was that if they had to take outside sources and it forced them to shut down or limit their existing generation someone would have to pay for the idle equipment. That someone would be the consumer. This does not provide the cheapest electricity for the consumer.

At a meeting on the proposed solar facility in Perry County I asked one of the representatives who the power was dedicated to or promised to (these virtual power agreements are a real joke). He said no one, it's just going to be dumped on the grid. Now I'm a mechanical engineer and not an electrical engineer but I know the grid is not a battery, nor magic, nor does it shunt electrons into an alternate universe until needed. I think this one statement justifies not approving a siting plan or allowing an interconnect to outside vendors.

To my understanding the solar facility in Martin County is selling its green energy to Toyota. It's very implausible a single electron from this facility will ever reach Georgetown so where is it going? Will the proceeds from selling the green tax credits be given back to the rate payers or will the company be allowed to keep it?

I know the price of land in Eastern Kentucky is cheap compared to the farmland most solar providers seem to prefer and the NIMBY's of the world don't want solar facilities in their back yards but this is also a question of economic development. Solar providers without any type of storage will destroy an area's ability to attract industry. You have the data center rush eating up every available KW out there and the promise of manufacturing coming back to America. All these require base load power. No business needing reliable 24-7 power will locate a hundred miles or more from a base load generation plant. You can't build power generation in the boondocks and then build billions of dollars of transmission lines. Rate payers cannot afford this.

The tax incentives promised to the Counties have the politicians pushing for building these independent facilities. Their input seems to be overriding the public's input. Being from Eastern Kentucky I have never seen a tax dollar elected officials didn't like and sadly I've never seen them spend a dollar wisely. A couple of million over 20 to 30 years isn't worth the damage it will cause.

I have always heard we don't have a power plant in the Hazard area because even in mining's heyday we never used enough electricity to justify one. It was cheaper to haul the coal elsewhere and send us back what little we needed. Hence distribution lines were never built to handle a lot of electricity. Now the distribution lines might be much better today but you still have a lot of loss over long distances. So does it really make sense to build variable power here and ship it elsewhere?

In conclusion this proposed site covers the greatest economic development site in a 100 mile radius. The proposed facility will not provide any meaningful jobs and by the end of its lifespan technology will most like make the site irrelevant if not sooner. This proposal is simply another entity taking advantage of the region. With the uncertainty of the Federal incentives this and many other projects will most likely be canceled. A profit model is essential to consider all these factors to determine the viability of this and other projects.

William A Madden PE

From: [PSC Public Comment](#)
To: [Lane Boldman](#)
Subject: RE: Comments on Starfire Solar case 2024-00255
Date: Wednesday, June 18, 2025 8:20:00 AM

Case No. 2024-00255

Thank you for your comments on the application of STMO BN, LLC (Starfire). Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2024-00255, in any further correspondence. The documents in this case are available at [View Case Filings for: 2024-00255 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: Lane Boldman [REDACTED]
Sent: Tuesday, June 17, 2025 9:26 AM
To: PSC Public Comment <PSC.Comment@ky.gov>
Subject: Comments on Starfire Solar case 2024-00255

[REDACTED]

[REDACTED]

Dear Public Service Commission Siting Board:

Please find attached our comments on the Starfire Solar project, case number 2024-00255.

--

Lane E. Boldman
Director, Kentucky Conservation Committee

[REDACTED]

[REDACTED]

Office: [REDACTED]

Cell: [REDACTED]

[KCC: Join or Donate](#)



To:

Ky. State Board on Electric Generation and Transmission Siting
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

Re: Starfire Renewable Power Project Case #2024-00255

Dear members of the Siting Board:

I represent the Kentucky Conservation Committee, a statewide environmental advocacy and policy organization that has been serving the Commonwealth since 1975. Part of our issues include the deployment of renewable energy. As part of our mission, we monitor the applications which come before the Siting Board for large-scale solar projects and advocate for best practices in these developments.

We are very much in favor of projects that are taking novel approaches to siting renewable energy in ways that are innovative and serve the communities where they reside—particularly communities that have had previous experience with energy projects, but may not have had the opportunity to maximize the benefits of these projects in the past for their communities and for advancing local job creation.

It is therefore important that novel projects such as the Starfire Solar Project set a proper example of how to build renewables on brownfields and mountaintop mine sites in ways that are compatible with the surrounding energy community, and take special care to ensure that the site is stable and properly reclaimed for this purpose. This region as you likely know has already been hit with significant flooding events, and we ask that the Siting Board pay particular attention to the grading and revegetation of this project with regard to minimizing the possibility of compounding any potential for flooding.

We also ask that the Siting Board pay particular attention to information presented about job creation and the developer's intent to hire from local sources. While we realize that the workforce development for this market is still in its early stages, we hope that every effort will be taken to maximize local sources of labor and encourage strong community benefit agreements within the scope of your authority on this project. We understand that an earlier project in Martin County did not hold to their commitments for maximizing local labor in their project and we ask that the Siting Board encourage the applicant to engage and commit to binding community benefit agreements with the communities involved in this project to maximize opportunities to utilize local labor. This project should be a model for the future as these energy communities transition to a new economy. A well-sited sustainable energy project on a properly reclaimed brownfield site that brings in local jobs, and trains workers for the jobs of the future should be the example we are asking you to set with the Starfire Renewables project within the scope of your powers.

Lane Boldman, Director, Kentucky Conservation Committee

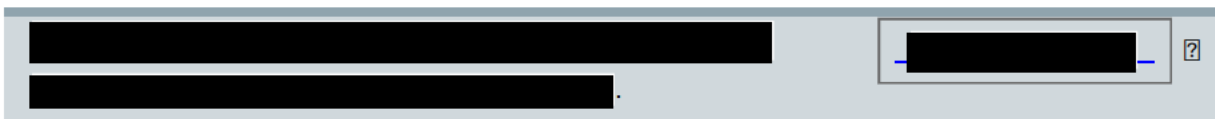
From: [PSC Public Comment](#)
To: [REDACTED]
Subject: RE: Case Number: 2024-00255 - STMO BN, LLC (Starfire)
Date: Wednesday, June 18, 2025 8:20:00 AM

Case No. 2024-00255

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Thank you for your interest in this matter.

From: [REDACTED]
Sent: Saturday, June 14, 2025 1:35 PM
To: PSC Public Comment <PSC.Comment@ky.gov>
Subject: Case Number: 2024-00255 - STMO BN, LLC (Starfire)



Dear Kentucky Public Service Commission,

I am writing to express my strong support for the Starfire Solar project.

This project is a critical opportunity to tap into our history of producing energy and bring it into the future. By reclaiming the relatively flat but barren land left behind by Starfire Mine for a utility-scale solar farm, the land will continue to produce energy as the original mine did for decades.

The area's long history of industry and energy production also means that there's a lot of infrastructure already built out that wouldn't be true in other places. Highways and roads that helped move hundreds of tons of coal could now assist in the build out and maintenance for this project and ensure the area is still an energy producer.

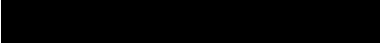
Large-scale solar projects offer the cheapest electricity in history, bringing communities across the country huge economic benefits and safe, reliable power. The total Starfire Solar project is planned across four phases, and the first phase alone is projected to bring \$100 million in tax revenues over its 40-year lifetime. The

project will also bring both temporary and permanent jobs to the area. While a single project cannot match the thousands of mining jobs lost in recent years, building the biggest solar farm in Kentucky will bring work to the region.

Adding more solar to our region's fuel mix will ensure the lights stay on if other power sources fail and could bring in other improvements to our grid infrastructure paid for by developers. In addition, solar energy is clean, affordable and stably-priced.

Solar farms can provide sustainable power, create good-paying local jobs, and this project would help maintain Eastern Kentucky's role of powering our lives. I respectfully urge the Commission to approve the Starfire Solar project.

Sincerely,
d sizemore
Happy, KY 41746



From: [PSC Public Comment](#)
To: [Mary Cromer](#)
Cc: [Rebecca Shelton](#)
Subject: RE: 2024-00255
Date: Wednesday, June 18, 2025 8:19:00 AM

Case No. 2024-00255

Thank you for your comments on the application of STMO BN, LLC (Starfire). Your comments in the above-referenced matter have been received and will be placed into the case file for the Commission's consideration. Please cite the case number in this matter, 2024-00255, in any further correspondence. The documents in this case are available at [View Case Filings for: 2024-00255 \(ky.gov\)](#).

Thank you for your interest in this matter.

From: Mary Cromer [REDACTED]
Sent: Friday, June 13, 2025 5:05 PM
To: PSC Public Comment <PSC.Comment@ky.gov>
Cc: Rebecca Shelton [REDACTED]
Subject: 2024-00255

[REDACTED]

[REDACTED]

Please accept these comments filed on behalf of Appalachian Citizens' Law Center in the above-referenced case.

Thank you,
Mary
--

Mary Varson Cromer (she/her/hers)
Deputy Director
Appalachian Citizens' Law Center, Inc.

[REDACTED]

Whitesburg, KY 41858

[REDACTED]

[REDACTED]



WES ADDINGTON
DIRECTOR
wes@aclc.org

MARY CROMER
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mary@aclc.org
Also admitted in VA

MICHEAL K. AMBURGEY
STAFF ATTORNEY
mike@aclc.org
Admitted in VA & TN

RAABIA WAZIR
STAFF ATTORNEY
rwazir@aclc.org

ELLA HELMUTH
STAFF ATTORNEY
ella@aclc.org

Kentucky State Board on Electric Generation and Transmission Siting
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 2024-00255 – Starfire Renewable Power Project
Comments requesting that approval be conditioned to ensure that Starfire submits a binding contract(s) effecting the economic and community benefits it has promised to the community and to this board

Dear Siting Board Members,

The Appalachian Citizens' Law Center, Inc. ("ACLC") submits these comments on the Starfire Renewable Power Project. ACLC was founded to address the environmental, health, and economic impacts of resource extraction in Eastern Kentucky and Central Appalachia. Increasingly, our work has focused on promoting a just economic transition as coal mining declines in the region. Our work on ensuring utility affordability is a key component of that work. This large-scale solar project on what was the largest mountaintop removal mine site in the state touches on nearly every aspect of our work.

The transition away from coal-generated electricity is happening regardless of political interference. In 2023, coal supplied 68% of Kentucky's electricity. It provided 90% of the state's power just a decade earlier.¹ The promise of reclaiming mine sites to house large-scale solar facilities has been a dream for years. It is now a reality. It is exciting. But it is also perilous. Siting solar facilities on mountaintop removal sites involves added complexities with regard to permitting and environmental compliance and added costs to ensure site stability. Those challenges are in addition to the possibilities for community opposition. Local opposition to large-scale solar on mountaintop removal projects would significantly hinder or kill project development.

Local support for large-scale solar projects in Eastern Kentucky is dependent on the benefits these projects provide to our communities. Broken promises of jobs and other community benefits make it more likely that communities will organize to oppose the next proposed solar project. While projects like this can bring much needed jobs during the construction phase, those jobs only benefit our region if commitments to local hiring are kept. Unfortunately, those

¹ U.S. Energy Information Administration, *Kentucky Profile Analysis*, Oct. 17, 2024, available at: <https://tinyurl.com/mvjrv77r>.

promises were not kept in first large-scale solar project in Martin County. We therefore submit these comments to ask the Siting Board to use its authority to ensure that the promises made by the applicant are kept.

In addition, based on our review of the record in this case, we have concerns about how the project plans to go forward, while also ensuring that the active portions of the large mountaintop removal mines that underlie it are properly reclaimed. Without proper reclamation, mountaintop removal sites are left as impervious surfaces. Those impervious mine surfaces cause increased peak flow, an increase that is greater for longer recurrence interval rain events (that is, the increase in peak flow rate is steeper for a 50-year rain event than a 10-year rain event).² It is difficult to understand how the reclamation will be accomplished in a way that protects the communities downhill and downstream from the increased flood and landslide risks that come with increases in peak flow. We ask that the Siting Board further investigate how reclamation is to be achieved, including how the site will be reclaimed in a way that mitigates the impervious soils/compaction issues with measures to increase water retention on site, as well as the expedited processes that will be used and how they differ from the normal reclamation and bond release processes. We further ask that the Siting Board condition its approval on those mitigation requirements and on requirements that notice and comment provisions be required for any expedited bond release processes that the Cabinet allows for this project.

Local Hiring

The applicant promises to hire locally and projects 85 direct jobs during the initial construction phase. We ask that the Siting Board condition its approval to allow it to review and approve language in any future contract between the applicant and the EPC to ensure that there is a binding and enforceable commitment to local hiring in the contract. Further, we ask that the entity in control of the project be required to file quarterly jobs reports throughout construction and a final report prior to the time the facility begins generating electricity. Those jobs reports should list the overall number of workers hired for construction during the period, with that number broken down to detail the number of workers hired who resided in Knott, Perry, or Breathitt Counties prior to hire, the number hired from elsewhere in Kentucky, and the number of out-of-state workers. For each worker classification, the report should also detail the type of work done or job title and the pay.

It is critical that the Siting Board use its authority to ensure that promises regarding local hiring are kept. Our communities need the jobs that these projects provide. And future development of solar projects in the region depends on the acceptance and trust of our communities. Unfortunately, there were significant missteps in the first large-scale solar project in Eastern Kentucky.

Martin County, Kentucky hosted the first large-scale solar project on a mountaintop removal site. The developer Savion supported its application with a report from Strategic Economic Research

2 Ferrari, J.R., et al. 2009, *Surface mining and reclamation effects on flood response of watersheds in central Appalachian plateau region*, Water Resources Research, Vol. 45, W04407, available at: <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2008WR007109>;

that promised “251 new local jobs during construction.”³ On August 23, 2023, The Mountain Citizen, Martin County’s only newspaper, publicized the promised local hiring with an article, “Solar job hiring fair Sept. 7: up to 300 jobs.”⁴ The article reported that “people will be hired on the spot” for jobs that will pay an average of \$25 to \$30 per hour. “Hirees will be paid to learn,” it said. The payroll for the project was reported to be \$39 million. Project developer Adam Edelen said, “In October, we’ll have a larger jobs fair, again one here, where we will hire a couple of hundred people. This is a huge opportunity, and it would break my heart if we didn’t get a position for every Martin Countian that wants it.”

But there was no binding commitment to local hiring, only promises. And those promises were broken. Rather than hire local employees, Savion’s Engineering and Procurement Contractor (EPC) brought in crews from out of state. At a hearing for the second Martin County solar project (Lynn Bark Energy Center), Erich Miarka of Savion shared that only 47 Martin Countians were hired to develop the Martin County solar project. Mr. Miarka explained that the problem was likely that hiring within the county was not a high priority for the contractor, and Savion could not compel them to make it a high priority.⁵

To ensure that that does not happen again, we ask that the Siting Board use its authority to review the contract with the EPC and approve it only if the EPC is making a binding and enforceable commitment to local hiring and to submission of regular jobs reports.

Brightnight Community Fund (bnCommunity Fund)

The applicant also promises to put money into the bnCommunity Fund. The application touts the fund, saying, “[t]he project has established a program for and plans to provide additional annual funding to a local community fund focused on benefits to the counties of Breathitt, Knott, and Perry, Kentucky. The fund will be focused on community-driven priorities that support the environmental health, welfare, well-being, and economic livelihood of these communities such as programs that reduce energy burden rates or support community projects, local agricultural programs, disaster relief and recovery efforts, education programs, workforce training and recruitment programs, and environmental restoration.” (Application, p.12, ¶37.) That fund is hosted by the Foundation for Appalachian Community. The plan is that the terms of that fund will be worked out between the Starfire Community Coalition and the Applicant.

We ask that the Siting Board condition its approval on the submission of Community Benefits Agreement that is executed prior to the generation of electricity between the Starfire Community

3 Loomis, David G. *Economic Impact Analysis of Martin County Solar Project*, March 2021, available at: https://psc.ky.gov/psccef/2021-00029/gdutton%40ftlaw.com/05192021065906/Martin_Co_Solar_Project_Application_and_Exhibits_A_-_E.pdf (pdf p. 57.)

4 Smith, R. *Solar job hiring fair Sept. 7; up to 300 jobs*. Mountain Citizen, Aug. 23, 2023, available at: <https://mountaincitizen.com/2023/08/23/solar-job-hiring-fair-sept-7-up-to-300-jobs-paying-25-to-30-per-hour/>.

5 Testimony of Erich Miarka, Lynn Bark, Case No. 2024-00104, at 10:53-56 AM; *See also* Stayton, L. *State approves second solar project in Martin County; only 47 locals hired for first project*. Mountain Citizen, Dec. 11, 2024, available at: <https://mountaincitizen.com/2024/12/11/state-approves-second-solar-project-in-martin-county-only-47-locals-hired-for-first-project/>.

Coalition and the Applicant that enshrines the Applicant's stated commitment to put money into the bnCommunity Fund. The funding should be at a rate and schedule consistent with the value of other best-in-class solar projects offered in community benefits payments, which can be determined by reference to the study commissioned by the Foundation for Appalachian Kentucky. Further, the Community Benefits Agreement should remain inclusive of securing other community defined benefits, such as those for workforce and agrivoltaic grazing.

Reclamation Concerns

A significant portion of the project area is on active, unreclaimed mine land. The concern with that land and mountaintop removal mine reclamation in general is that the land is often left in an impervious state that increases the risks of landslides and downstream flooding. The solar panels themselves may somewhat contribute to the impervious cover problem. It is important to the health and safety of the downhill and downstream communities and waterways that that land be reclaimed in a way that reduces impervious cover. We ask that the Siting Board further condition its approval and require that the reclamation of the mine sites minimize impervious cover and include specific mitigation measures to increase on-site water retention.

The application states that the "current area around the site consists of coal mines in various stages of reclamation and second-growth forests."⁶ In reality, the project area includes five mine permits: one is being reclaimed (897-0609) and four are active (860-0542, 860-7017, 860-9021, and 897-0609). Three of the active permits are in A1 status, which means that the "permit is actively conducting coal mining activities.... The permit has not expired, coal reserves remain, and the future possibility of coal removal still exists." The remaining active permit (860-0542) is classified as "actively producing" coal, which means "active coal removal (harvesting) is occurring on the permit. Coal is being removed from the ground."⁷ **Typically, it takes a mine at least 6 years from the time it moves from the "active" phase of mining to the reclamation phases to achieve full bond release.**⁸ Because most of the permits underlying this project area are active, we do not understand how they can move from active (unreclaimed) status to full bond release in an expedited period⁹ without sacrificing the quality of reclamation performed, which would put downstream communities at risk.

The BBC site assessment report helps visualize the amount of work that will be needed to reclaim the site and address the compaction/impervious surface issues. The BBC report includes the land reclamation status map submitted by the Applicant and pictures taken on site in April 2025, which we extract here:

6 Appl. p.5, ¶13.

7 OSMRE LFO & KY DNR, *Topic Specific Oversight Report: Inspectable Units Status Review*, EY 2023, Jan. 2024 p. 6, available at: odocs.osmre.gov

8 ACLC, Reclamation Report, Nov. 2024 n.1, available at: <https://aclc.org/wp-content/uploads/2025/02/Reclamation-Report-feb-2025.pdf>.

9 On page 4 of the Applicant's Response to RFI 2, the Applicant stated, "[t]he project area will achieve bond release prior to occupying the site and commencing construction. Any portion of the Project area that has not achieved full reclamation prior to commencement of construction of the Starfire Solar Project is anticipated to be granted expedited bond release from the Kentucky Division of Mine Reclamation and Enforcement."

[illegible]

The green areas in the northeast corner are the areas of greatest concern. Those concerns are supported by these two photographs:

Figure C-17.
Mining-related equipment in northeast portion of site



These pictures depict an area of active mining with heavily compacted soils and little to no reclamation. Given SMCRA's reclamation requirements which contemplate that at least 6 years are needed to assure adequate reclamation and given the specific concerns expressed here about soil compaction and impervious surfaces, the statement that "any portion of the Project area that has not achieved full reclamation prior to commencement of construction of the Starfire Solar Project is anticipated to be granted expedited bond release from the Kentucky Division of Mine Reclamation and Enforcement" is very concerning.

We ask that the Siting Board further investigate how reclamation is to be achieved, including how the site will be reclaimed in a way that mitigates the impervious soils/compaction issues with measures to increase water retention on site, as well as the expedited processes that will be used and how they differ from the normal reclamation and bond release processes. We further ask that the Siting Board condition its approval on those mitigation requirements and on requirements that notice and comment provisions be required for any expedited bond release processes that the Cabinet allows for this project.

Siting Board's Authority to Impose and Enforce Conditions

We believe that the Siting Board has the authority to condition its approval of the certificate to ensure that the Applicant's economic benefits promises are fulfilled and to require mitigation measures during reclamation and procedural notice and comment protections during bond release. The Siting Board regularly conditions its approval on the future performance of mitigation measures.¹⁰ Those conditions are enforceable because the Siting Board retains jurisdiction to enforce the terms of its certificate up until the time electricity is generated by the project. KRS 278.710(7).

¹⁰ See e.g., Lynn Bark Final Order, Case No. 2024-00104, Nov. 27, 2024; and Pike County Solar Final Order, Case No. 2024-00105, Nov. 15, 2024. In those instances, the Order includes an Appendix of enumerated conditions and provides that the Siting Board can reconvene to enforce compliance with those requirements until the generation of electricity commences.

The conditional approvals granted in the recent past have allowed projects to go forward on the condition that the entity in control is obligated to fulfill the mitigation requirements and can be brought before the Siting Board for enforcement if it fails to meet the requirements of the conditional approval. The conditions imposed in recent orders typically have been designed to ensure that construction is done in a way that minimizes environmental and aesthetic harm, protects the community from undue traffic and noise, and requires compliance with local land use provisions. The siting board has also imposed requiring the project applicant to enter agreements with third parties relative to implementation of the project.¹¹ While the Siting Board has not regularly conditioned approval on the future performance of economic measures, it has done so in the past. In 2002 the Siting Board conditioned the approval of the Estill County Energy Partners (ECEP) project on the applicant “mak[ing] reasonable efforts to hire workers, vendors, and contractors from the local area. A worker hired from the local area is one that can commute daily to the plant site from his or her primary residence that existed prior to employment at the ECEP site.”¹²

Based on those precedents and authorities, we believe that the Siting Board has the authority to condition its approval to ensure that the economic benefits promises are fulfilled.

Conclusion

We recognize that this is an important project for the region. We believe that this Siting Board can help ensure the success of this project and better pave the way for success for future projects by placing some limited conditions on approval. In particular, we ask that the following conditions be placed on approval of the certificate:

1. The Siting Board retains authority to review and approve the contract with the EPC to ensure that the EPC commits to the Applicant’s local hiring goals in a binding and enforceable way;
2. The Siting Board requires the EPC to submit regular jobs reports;
3. The Siting Board conditions its approval on the submission of a final executed Community Benefits Agreement between the Starfire Community Coalition and the Applicant;
4. The Siting Board retains the authority to review and approve that CBA to ensure that moneys are committed to the bnCommunity Fund at a rate and schedule consistent with the value of other best-in-class solar projects offered in community benefits payments, which can be determined by reference to the study commissioned by the Foundation for Appalachian Kentucky and to ensure that the CBA remains inclusive of securing other community-defined benefits, such as those for workforce and agrivoltaic grazing;
5. The Siting Board investigates how reclamation is to be achieved, including how the site will be reclaimed in a way that mitigates the impervious soils/compaction issues with measures to increase water retention on site;

11 See e.g., Rhudes Creek Solar Final Order, Case No. 2021-00127, March 4, 2022, Appx. A, ¶26 (Requiring the applicant to “obtain final permission from Omega with regard to the use of the railroad crossing and comply with all its requirements. Rhudes Creek will file verification with the Siting Board when received, before construction in that area of the project.”); Fleming Solar Final Order, Case No. 2020-00370, Nov. 24, 2021, Appx A, ¶21 (requiring the applicant to comply with the terms of any road use agreement reached with the county road department).

12 Estill County Energy Partners Final Order, Case No. 2002-00172, Oct. 12, 2004, Appx. A, ¶H.

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6. The Siting Board investigates to determine what expedited processes will be used for reclamation and bond release and how they differ from the normal reclamation and bond release processes;
 7. The Siting Board conditions its approval on impervious surface/compaction mitigation requirements; and
 8. The Siting Board conditions its approval on requirements that notice and comment provisions be required for any expedited bond release processes allowed for this project.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Mary Varson Cromer".

Mary Varson Cromer

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